

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICHOLAS MURPHY,

Defendant.

8:23CR187

ORDER

The defendant appeared before the Court on December 28, 2023 regarding Petition for Action on Conditions of Pretrial Release [23]. Stuart Dornan represented the defendant. Lecia Wright represented the government. The defendant was advised of the alleged violation(s) of pretrial release, the possible sanctions for violation of a release condition, and the right to a hearing in accordance with the Bail Reform Act. 18 U.S.C. § 3148.

The defendant entered an admission to violating conditions of release. The Court took judicial notice of the petition and violation report. Government's oral motion to dismiss allegation (bb) of Petition for Action on Conditions of Pretrial Release [23] is granted. Allegation (bb) of Petition for Action on Conditions of Pretrial Release [23] is dismissed. The court finds the defendant freely, knowingly, intelligently, and voluntarily admitted violating release conditions (ff) and (iii). The Court further finds there is clear and convincing evidence that a condition was violated. Therefore, the Court finds the defendant violated the Order Setting Conditions of Release [10].

The government requested an order of revocation and detention. The defendant requested release on present or amended conditions. After consideration of the report of Pretrial Services and the arguments of the parties, and affording the defendant an opportunity for allocution, the Court finds there are conditions or combination of conditions that will reasonably assure the defendant will not flee or will not pose a danger to any other person or the community, and the defendant is likely to abide by conditions of release. The government's request for revocation and detention is denied. The Order Setting Conditions of Release [10] shall not be revoked and the defendant shall be released on the current terms and conditions of supervision to include the Consent to Modify Conditions of Release prepared by Pretrial Services as directed by the Court.

IT IS SO ORDERED.

Dated this 28th day of December, 2023.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge